



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8  
999 18<sup>TH</sup> STREET - SUITE 300  
DENVER, CO 80202-2466  
<http://www.epa.gov/region08>

DOCKET NO.: SDWA-08-2003-0052

IN THE MATTER OF:

HITCHING POST MOBILE HOME  
PARK, INC.

Respondent

)  
)  
)  
)  
)  
)  
)  
)  
)

**FINAL ORDER**

Pursuant to 40 C.F.R. § 22.18, of EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondents are hereby ORDERED to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondents of this Consent Agreement and Final Order.

**January 26, 2004**

DATE

**SIGNED**

Alfred C. Smith  
Regional Judicial Officer



Printed on Recycled Paper

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

<b>In The Matter of:</b>	)	
	)	<b>Docket No. SDWA-08-2003-0052</b>
	)	
<b>Hitching Post Mobile Home Park, Inc.</b>	)	<b>CONSENT AGREEMENT</b>
	)	
	)	
<b>Respondent.</b>	)	

Complainant, United States Environmental Protection Agency, Region 8, and Respondent, Hitching Post Mobile Home Park, Inc., by their undersigned representatives, hereby consent and agree as follows:

1. On September 16, 2003, Complainant issued a Complaint and Notice of Opportunity for Hearing (“Complaint”), and proposed a \$4,000 penalty against the Respondent pursuant to Section 1414(g)(3) of the Safe Drinking Water Act (“SDWA”), 42 U.S.C. § 300g-3(g)(3), for alleged violations of the Administrative Order (“AO”) (Docket Number SDWA-08-2001-20) Complainant issued to Respondent on June 7, 2001.

2. Based on additional information Respondent’s representatives submitted to Complainant, on October 17, 2003, Complainant filed an Amended Complaint and Notice of Opportunity for Hearing (“Amended Complaint”), and proposed a \$3,000 penalty against the Respondent pursuant to Section 1414(g)(3) of the SDWA, 42 U.S.C. § 300g-3(g)(3), for alleged violations of the AO.

3. Respondent admits the jurisdictional and specific factual allegations of the Complaint.
4. Respondent waives its right to a hearing before any tribunal, to contest any issue of law or fact set forth in the Complaint.
5. This Consent Agreement, upon incorporation into a final order, applies to and is binding upon EPA and upon Respondent and Respondent's heirs, successors and assigns. Any change in ownership or corporate status of Respondent including, but not limited to, any transfer of assets or real or personal property shall not alter Respondent's responsibilities under this agreement.
6. This Consent Agreement contains all terms of the settlement agreed to by the parties.
7. Respondent consents and agrees to pay a civil penalty in the amount of Three Thousand Dollars (\$3,000) plus interest in forty-eight (48) monthly installment payments. Pursuant to section 11 of the Debt Collection Act of 1996, 31 U.S.C. § 3717, the interest rate will be based upon the current value of funds to the United States Treasury on the effective date of the final order in this matter, and such rate shall remain in effect until full payment of each installment is received. Respondent shall pay the first installment payment not more than thirty (30) days after Respondent's receipt of a signed final order in this matter. Respondent shall pay each subsequent installment payment every thirty (30) day increment in succession. In any event, Respondent shall pay all installments on or before March 1, 2008. Complainant shall send Respondent a payment schedule (including interest) after the Regional Judicial Officer issues a final order in this matter, which will

be incorporated into this consent agreement and final order upon Respondent's receipt. At any time prior to March 1, 2008, Respondent may pay in full the remaining unpaid balance with no penalty. If Respondent fails to pay any monthly installment, Complainant may demand the full penalty amount plus interest immediately due (including, but not limited to, the remedies set forth in paragraph 9).

8. Each of the payments described in Paragraph 7 above shall be made by remitting a cashier's or certified check, payable to "Treasurer, United States of America," to:

Mellon Bank  
EPA Region 8  
(Regional Hearing Clerk)  
P.O. Box 360859M  
Pittsburgh, PA 15251-6859

The checks shall reference the name and address of Respondent's facility and the EPA docket number of this action. A copy of the checks shall be sent simultaneously to:

Michelle Jalazo  
Enforcement Attorney  
U.S. EPA Region 8 (8ENF-L)  
999 18th Street, Suite 300  
Denver, Colorado 80202-2466

and

Tina Artemis  
Region 8 Hearing Clerk  
U.S. EPA Region 8 (8RC)  
999 18th Street, Suite 300  
Denver, Colorado 80202-2466

9. Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on a civil or stipulated penalty if the penalty is not paid when due. Interest will be assessed at the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11. A charge will be assessed to cover the costs of debt collection, including processing and handling costs and attorneys fees. In addition, a penalty charge of six (6) percent per year compounded annually will be assessed on any portion of the debt that remains delinquent more than ninety (90) days after payment is due. Any such penalty charge on the debt will accrue from the date the penalty payment becomes due and is not paid. 40 C.F.R. § 13.11

10. Nothing in this Consent Agreement shall relieve Respondent of the duty to comply with the SDWA and its implementing regulations.

11. Failure by Respondent to comply with any of the terms of this Consent Agreement shall constitute a breach of the agreement and may result in referral of the matter to the Department of Justice for enforcement of this agreement and for such other relief as may be appropriate.

12. Nothing in this Consent Agreement shall be construed as a waiver by the U.S. EPA of its authority to seek costs or any appropriate penalty associated with any collection action instituted as a result of Respondent's failure to perform pursuant to the terms of this Agreement.

13. The undersigned representative of Respondent certifies that he is fully authorized to enter into the terms and conditions for this Consent Agreement and to bind the party he represents to the terms and conditions of this Consent Agreement.

14. The parties agree to submit this Consent Agreement to the Regional Judicial Officer, with a request that it be incorporated into a final order.

15. Each party shall bear its own costs and attorneys fees in connection with this matter.

16. This Consent Agreement, upon incorporation into a final order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the specific violations alleged in the Complaint.

IN THE MATTER OF:

HITCHING POST MOBILE HOME PARK, INC.

DOCKET NO:

SDWA-08-2003-0052

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, REGION 8,  
Complainant.

Date: **25 January 2004**

By: **David J. Janik**  
Michael T. Risner, Director  
David J. Janik, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Date: **23 January 200**

By: **Signed**  
Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

HITCHING POST MOBILE HOME PARK, INC.,  
Respondent.

Date: **12/31/03**

By: **SIGNED**  
Rodney McMullen  
6501 S. Douglas Highway #1  
Gillette, Wyoming 82718

## CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT/FINAL ORDER** in the matter of **HITCHING POST MOBILE HOME PARK, INC., DOCKET NO.: SDWA-08-2003-0052** was filed with the Regional Hearing Clerk on January 26, 2004.

Further, the undersigned certifies that a true and correct copy of the document was delivered to Michelle Jalazo, Enforcement Attorney, U.S. EPA - Region 8, 999 18th Street - Suite 300, CO 80202-2466. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt on January 26, 2004, to:

Rodney McMullen  
Hitching Post Mobile Home Park, Inc.  
5601 S. Douglas Highway #1  
Gillette, WY 82718

Steven M. Bruce, P.E.  
Bruce Engineering, Inc.  
118 South Gillette Avenue  
Gillette, WY 82716

and hand-carried to:

Honorable Alfred C. Smith  
Regional Judicial Officer  
U.S. Environmental Protection Agency  
999 18<sup>th</sup> Street, Suite 300 (8RC)  
Denver, CO 80202-2466

January 26, 2004

**SIGNED**

\_\_\_\_\_  
Tina Artemis  
Regional Hearing Clerk

**THIS DOCUMENT WAS FILED IN THE REGIONAL HEARING CLERK'S OFFICE ON JANUARY 26, 2004.**